

BYLAWS
OF THE
LOUISIANA AUTO THEFT & INSURANCE FRAUD PREVENTION
AUTHORITY

ARTICLE I IDENTITY

Section 1. *Name*

The name of this public agency shall be the Louisiana Automobile Theft and Insurance Fraud Prevention Authority (LATIFPA).

Section 2. *Legal Origin*

It was created under the provisions of R.S. 22:3201 through 3205, as created by Act 711, of the 2004 Regular Legislative Session.

Section 3. *Domicile*

This board shall be domiciled in Baton Rouge, Louisiana.

ARTICLE II PURPOSES AND POWERS

Section 1. *Purpose*

The purpose of this public agency is to combat motor vehicle insurance fraud, including fraud by theft and other criminal acts.

Section 2. *Powers*

The LATIFPA shall have the powers necessary and convenient to implement and effectuate the purposes and provisions of this Chapter and the purposes of the LATIFPA and the powers delegated by other laws, including but not limited to the power to:

- a) Sue and be sued; have perpetual succession; make, execute and deliver contracts, conveyances, and other instruments necessary and convenient to the exercise of its powers; and to make and amend its bylaws by a majority vote of the board.

- b) Solicit and accept gifts, grants, donations, loans, and other assistance from any person or entity, private or public, or the federal, state, or local governments or any agency thereof, said gifts, grants, donations, loans, and other assistance to be immediately deposited upon receipt into the fund described in R.S. 22:3204(A).

- c) Establish programs in conjunction with other state agencies, local governing authorities, and law enforcement agencies for motor vehicle theft and insurance fraud prevention, detection and enforcement, which shall include the Attorney General's Criminal Division and Investigation Division.

- d) Make grants to other state agencies, local governing authorities, and law enforcement agencies for motor vehicle theft and insurance fraud prevention, detection and enforcement.

- e) Procure insurance against any loss in connection with its property, assets or activities.

- f) Deposit all monies received for the purposes of this Chapter into the Automobile Theft and Insurance Fraud Prevention Authority Fund, provided for in R.S. 22:3204.

g) Contract for goods and services and engage personnel as is necessary, including the services of private consultants, auditors, and others for rendering professional services, as provided by law, payable out of any money of the fund legally available for such purpose. Additionally, the board may authorize the attorney general to contract for the services of ad hoc prosecutors or other legal assistance, payable out of any money of the fund legally available for such purpose.

h) Indemnify and procure insurance indemnifying the members of the board from personal loss from liability resulting from an action or inaction of the board.

i) Do all other things necessary and convenient to achieve the objectives and purposes of the authority of this Chapter.

ARTICLE III BOARD OF DIRECTORS

Section 1. *Fixed Membership*

- A. Membership of the Board of Directors shall consist of the following:
- 1) The commissioner of insurance or his designee;
 - 2) The state treasurer or his designee;
 - 3) A representative of the Louisiana State Police Insurance Fraud Unit;
 - 4) The chairman of the Senate Committee on Insurance or his or her designee;
 - 5) The chairman of the House Committee on Insurance or his or her designee;

Section 2. *Variable Membership*

B. The Commissioner of Insurance shall appoint four (4) members to the Board of Directors from the following:

- 1) Two members representing purchasers of motor vehicle insurance in this state; and
- 2) Two members representing motor vehicle insurers doing business in this state.

C. The Attorney General shall appoint two (2) members.

Both of whom shall represent law enforcement officials in this state.

Section 3. *Actions*

A majority of the members of the board shall constitute a quorum for the exercise of a power or function of the authority.

Any vote may be taken by the authority at a meeting upon a vote of the majority of the members present.

Section 4. *Compensation*

Members of the board shall serve without compensation for their service on the board.

Section 5. *Removal*

Variable board members may be removed by the governmental agency in which it was appointed upon written notice.

Any board member who misses more than two meetings per calendar year can be removed by a majority vote of the remaining board members.

Section 6. *Vacancies*

Vacancies in the offices of the members shall be filled in the same manner as the original appointments.

Section 7. *Reimbursement of travel and other expenses*

Members of the board may receive reasonable reimbursement for necessary travel and expenses.

ARTICLE IV OFFICERS

Section 1. *Chairperson*

The commissioner shall serve as chairperson of the LATIFPA.

Section 2. *Legal Counsel*

The attorney general or his or her designee will serve as the LATIFPA's legal counsel.

Section 3. *Directors*

A director and assistant director shall be selected by the board and serve at the pleasure of the commissioner of insurance, shall be considered public employees, and shall operate the daily affairs of the LATIFPA as specified herein and by the board.

Section 4. *Removal*

Officers may be removed by the nominating agency.

ARTICLE V NOMINATIONS

Section 1. *Appointments*

The Commissioner of the Louisiana Department of Insurance will nominate candidates for the positions of director and assistant director to serve at its pleasure and to be selected for confirmation by the Board of Directors of the Louisiana Auto Theft & Insurance Fraud Prevention Authority.

Vacancies in the offices of the members shall be filled in the same manner as the original appointments.

ARTICLE VI BOOKS AND RECORDS

Section 1. *Maintenance*

The LATIFPA shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its Board of Directors, and committees having and exercising any of the authority of the Board of Directors and shall keep at the principal office a record giving the names and address of directors, officers, etc.

Section 2. *Inspections*

All books and records of the LATIFPA may be inspected by any member, or a member's agent or attorney, for any proper purpose at any reasonable time.

Section 3. *Reports*

An annual budget shall be prepared by the staff and adopted by the board.

Bi-annual financial statements will be provided by the LATIFPA to the board for review.

ARTICLE VII FISCAL YEAR

The fiscal year of the State of Louisiana.

ARTICLE VIII MEETINGS

Meetings of the Board of Directors may be held anywhere within the state and shall be open public meetings.

Section 1. *Quarterly meetings*

The board shall meet at least four (4) times per year.

Section 2. *Special meetings*

The LATIFPA shall meet at the call of the chairperson; provided, however, that written notice of the time and place of the special meeting(s) shall be given to active board of director members at least three (3) days in advance of such meetings. At special meetings, only those matters specified in the call may be considered.

Section 3. *Quorum*

A majority of the board of director members shall constitute a quorum for the transaction of business at a meeting, or the exercise.

Section 4. *Proxy*

Proxies **for the elected officials serving on the Authority's Board of Directors** will be authorized and must be submitted in writing, to the Chairperson, prior to the meeting.

ARTICLE IX COMMITTEES

Section 1.

Standing committees shall be determined by a vote of the majority of the members present at any meeting of the board.

ARTICLE X AMENDMENT OF THE BYLAWS

These bylaws may be amended at any meeting of the board. Amendments shall be made by a quorum of the membership at such meeting, provided proper notice is given to the members, together with a copy of the proposed changes, prior to the meeting. These bylaws may be further amended at any time in which the provisions of R.S. 22:3201 et seq. are amended.

ARTICLE XI PARLIAMENTARY AUTHORITY

A reasonably current version of Robert's Rules of Order, Newly Revised shall be the parliamentary authority of this board.

ARTICLE XII NOTICE

All notices relative to this board are posted pursuant to the Open Meetings Law.